MONTANA LEGISLATIVE HISTORY

Chapter 90 19 67

Bill H 180 S _____ Original bill & history ____C

H. Committee on Labor & Compensation			S. Committee on Commerce & Labor		
Hearing Date(s)	Jan 23	✓ C	Hearing Date(s)	Feb 15	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Jan 23	✓ C		Feb 15	____✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

January 23, 1967

The Labor and Compensation Committee met on Monday, January 23, 1967, in Room 427B.

The meeting was called to order by Chairman Vic East, with a quorum present. Mr. Miles Swan has been appointed to the Labor and Compensation Committee.

Mr. East announced that we would hold a public hearing on H.B. 322 on Wednesday of this week. If time permits, we will also discuss H.B. 407, 424, 426 and 470 at that time.

Mr. Mather introduced Mr. Robert F. Swanberg of the Industrial Accident Board, who explained the purpose of H.B. 180. Mr. Swanberg appeared in support of H.B. 180.

A brief question and answer period followed between Mr. Swanberg and members of the Committee.

The next witness to appear in support of H.B. 180 was Mr. L. R. Benton of the Industrial Accident Board.

A question and answer period followed between Mr. Benton and members of the Committee.

The witnesses were dismissed at 12:35 P.M.

The bill was discussed by the Committee members. Mr. Mather made a motion that H.B. 180 Do Pass. Mr. Slaby seconded the motion. Motion carried.

The meeting was adjourned at 12:40 P.M.

Vic East

VIC EAST, CHAIRMAN

Violet Vick

Violet Vick, Secretary

2

MINUTES OF MEETING OF THE
COMMERCE AND LABOR COMMITTEE
STATE SENATE

February 15, 1967

The meeting was called to order by Chairman Siderius, Wednesday, February 15, 1967 at 8:30 a.m., in Room 408 of the State Capitol Building.

ROLL CALL: All members present except Senator Lehrkind.

CONSIDERATION OF HOUSE BILL 213: This bill would permit freedom of choice of duly licensed physicians, osteopaths, chiropractors, optometrists or chiropodist under disability insurance and workmen's compensation policies. Representative Loman, Dist.28, Lake County, author of the bill, appeared. Al Dougherty, Attorney at Law, Helena, Montana, appeared, representing the Montana Chiropractors Association. He left several letters that were received by citizens from various insurance companys saying that they will not pay for treatment other than by a physician. These letters are filed with these minutes. Also filed is an Enrolled Copy of House Bill No. 2712 from the State of Michigan, which states that any insurance policy issued in the State of Michigan must reimburse a person licensed in the state for the practice of chiropractic or podiatry. Other proponents appearing:
Rod Gudgel - Montana State Pharmacists Association.
Paul Reynolds - Optometrists
Dr. L. C. Weis - Montana Chiropractic Association.
Dr. Henry H. Jenderson, Dr. Fred E. Comstock, Dr. B. E. Trosper, Dr. S. C. Saetre, Gary Dols, DC - Dr. C. E. Albert, Dr. K. H. West, Dr. W. J. Kay, Dr. Allan W. Towns, P. C. Pisk DC - Dr. William M.Elbert.
SENATOR HILLING MOVED to AMEND H. B. 213, SENATOR BERTSCHE SECONDED. CARRIED. SENATOR HILLING MOVED TO CONCUR. SENATOR KAFKA SECONDED. CARRIED.

CONSIDERATION OF HOUSE BILL 387: Representative Loman, author of the bill appeared. George Winstrom, Safety Director of the IAB appeared as a proponent. SENATOR KAFKA MOVED to CONCUR. SENATOR BERTSCHE SECONDED. CARRIED.

CONSIDERATION OF HOUSE BILL 180: Reciprocity - Workmens Comp. Act. Robert Swanberg, Chairman of the IAB, and Lee Benton, of the IAB, appeared as proponents of the bill. SENATOR RASMUSSEN MOVED to CONCUR, SENATOR TRACY SECONDED. CARRIED. (Lee Benton left copies of reciprocity agreements between Washington & Idaho, and Washington & Oregon.

CONSIDERATION OF HOUSE BILL 426: This bill would require the State Controller to schedule building programs to stabilize work opportunities for labor force. James Umber, Executive Secretary of the AFL-CIO, Reed Mathews, representing the Operating Engineers, and Richard McCreanor, representing the Laborer Union were all proponents appearing. SENATOR HAFFERMAN MOVED to CONCUR. SENATOR BERTSCHE SECONDED. CARRIED.

SENATOR HAFFERMAN MOVED TO ADJOURN. SENATOR TRACY SECONDED.

ADJOURNMENT.

Siderius

SENATOR GEORGE SIDERIUS, CHAIRMAN

RECEIVED
MAY 12 1965
INDUSTRIAL ACCIDENT BOARD
Boise, Idaho

RECIPROCITY AGREEMENT
Between
IDAHO INDUSTRIAL ACCIDENT BOARD
and
WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES
in re
EXTRATERRITORIAL JURISDICTION

THIS AGREEMENT is made between the Industrial Accident Board of the State of Idaho (herein for convenience abbreviated Idaho IAB) and the Department of Labor and Industries of the State of Washington (DOLAI), as administrators of the Workmen's Compensation (WC) Laws of their respective states, each of said parties being authorized to enter into reciprocity agreements with other states in matters involving their respective extraterritorial jurisdictional powers and duties.

PREMISES

1. Employers in each state on occasion find it necessary or expedient to have their workmen perform services in the other state. The parties are desirous of entering into an agreement whereby the employers and workmen of each of the respective states may continue to be entitled to the protection and benefits provided by the WC Laws of their respective home states.

DEFINITIONS

2. For the purposes of this agreement:

A person is deemed to be an Idaho workman who is hired to work in Idaho and whose employment is principally localized in Idaho.

A person is deemed to be a Washington workman who is hired to work in Washington and whose employment is principally localized in Washington.

RECEIVED
MAY 1965
M. ROY E. PHILLIPS

3. This agreement shall not apply to Washington workmen of an Idaho employer working in the State of Washington, nor to Idaho workmen of a Washington employer working in the State of Idaho: Provided, however, that the rights and remedies of both Idaho and Washington workmen engaged in the construction and maintenance of interstate structures, such as dams, bridges, trestles and similar structures between the two states, may be regulated by specific separate reciprocity agreements.

THE PARTIES AGREE:

4. The Idaho IAB in keeping with the provisions of the Idaho WC Law will assume and exercise extraterritorial jurisdiction of compensation claims of any Idaho workman injured in the State of Washington and of his dependents upon any Idaho employer under its jurisdiction and the latter's surety or insurance carrier.

5. The Washington DOLAI in keeping with the provisions of the Washington WC Law will provide protection of any Washington employer under its jurisdiction and benefits to any Washington workman injured in the course of his employment while working in the State of Idaho.

6. A Washington employer while performing work in the State of Idaho shall be subject to the safety codes of the State of Idaho, and an Idaho employer working in the State of Washington shall be subject to the safety codes of the State of Washington.

7. Employers' premium payments on the out-of-state earnings of Idaho workmen shall be due and payable to the respective employers' insurance carriers and premium payments on the out-of-state earnings of Washington workmen shall be made to the Washington DOLAI.

8. For the purpose of implementing the terms of this agreement, the parties agree upon the following procedures:

The Idaho IAB will upon request and on behalf of an Idaho employer issue a certificate of extraterritorial coverage to the Washington DOLAI and the latter upon request and on behalf of a Washington employer will issue a certificate of extraterritorial coverage to the Idaho IAB. Such certificates may be cancelled or revoked at the discretion of the issuing agency. Due notice of issuance, modification and cancellation of any such certificate shall be given to the employer and to his insurance carrier, if any.

9. This agreement shall be effective April 1, 1965, and shall remain in full force and effect until superseded or modified by the parties hereto.

INDUSTRIAL ACCIDENT BOARD
of the State of Idaho

By: B. W. Oppenheim
(B. W. Oppenheim) Chairman

Leo H. Houtz
(Leo H. Houtz) Member

C. R. Hunter
(C. R. Hunter) Member

ATTEST:

Cecil R. Schoeffler
(~~R. H. Quirk~~) Secretary
(Cecil R. Schoeffler)

MAY 18 1965
(Date) 1965

APPROVED:

MAY 19 1965
(Date) 1965

Robert E. Smylie
(Robert E. Smylie)
GOVERNOR of the STATE of IDAHO

DEPARTMENT OF LABOR AND INDUSTRIES
of the State of Washington

By: G. L. Welch

AGREEMENT BETWEEN THE DEPARTMENT OF LABOR AND INDUSTRIES OF THE STATE OF WASHINGTON AND THE WORKMEN'S COMPENSATION BOARD OF THE STATE OF OREGON REGARDING EXTRATERRITORIAL RECIPROCITY

WHEREAS, the Workmen's Compensation Law of the State of Washington authorizes the Director of Labor and Industries to enter into agreements of reciprocity for workmen's compensation purposes with other states, and

WHEREAS, the Workmen's Compensation Law of the State of Oregon authorizes the Workmen's Compensation Board to enter into agreements of reciprocity for workmen's compensation purposes with other states, and

WHEREAS, employers who conduct operations in the State of Washington are required on occasion to have Washington workmen perform services in the State of Oregon, and

WHEREAS, employers who conduct operations in the State of Oregon are required on occasion to have Oregon workmen perform services in the State of Washington, and

WHEREAS, the Department of Labor and Industries of the State of Washington and the Workmen's Compensation Board of the State of Oregon are desirous of entering into an agreement whereby the employers and workmen of each of the respective states may continue to be entitled to the protection and benefits provided by the Workmen's Compensation Laws of their respective home states,

IT IS HEREBY AGREED That for the purpose of this agreement of reciprocity, a Washington workman is a person hired to work in the State of Washington, and an Oregon workman is a person hired to work in the State of Oregon.

IT IS FURTHER AGREED BETWEEN the Department of Labor and Industries of the State of Washington and the Workmen's Compensation Board of the State of Oregon:

That the Department of Labor and Industries of the State of Washington in keeping with the provisions of the Washington Workmen's Compensation Law will provide protection for any Washington employer under its jurisdiction and benefits to any of his Washington workmen

who may be injured in the course of employment while working temporarily in the State of Oregon. In the event of injury to one of these workmen, his exclusive remedy would be that provided by the Workmen's Compensation Law of the State of Washington,

That the Workmen's Compensation Board of the State of Oregon in keeping with the provisions of the Oregon Workmen's Compensation Law will extend protection for any Oregon employer under its jurisdiction, and benefits to any of his Oregon workmen who may be injured in the course of employment while working temporarily in the State of Washington. In the event of injury to one of these workmen, his exclusive remedy would be that provided by the Workmen's Compensation Law of the State of Oregon,

That the Department of Labor and Industries of the State of Washington will upon request and on behalf of the Washington employer issue a certificate of extraterritorial coverage to the Workmen's Compensation Board of the State of Oregon, and that the Workmen's Compensation Board of the State of Oregon will upon request and on behalf of the Oregon employer issue a certificate of extraterritorial coverage to the Department of Labor and Industries of the State of Washington,

That these certificates of extraterritorial coverage shall be issued, or cancelled, at the discretion of the Washington Department of Labor and Industries or the Oregon Workmen's Compensation Board,

That the Oregon employer while performing work in the State of Washington will be subject to the safety codes of the State of Washington, and that the Washington employer while performing work in the State of Oregon will be subject to the safety codes of the State of Oregon.

IT IS MUTUALLY UNDERSTOOD That this agreement will not apply to Oregon workmen of the Washington employer working in the State of Oregon, nor to the

with the exception of those working for stevedoring or steamship companies or in the construction or maintenance of interstate structures such as dams, bridges, trestles, etc., between Oregon and Washington, as those projects will be controlled by separate agreements.

IT IS ALSO MUTUALLY UNDERSTOOD That premium payments on the out-of-state earnings of Washington workmen will be made to the Washington Department of Labor and Industries, and that premium payments on the out-of-state earnings of Oregon workmen will be made to the State Compensation Department or other insurer of the State of Oregon employer as their interest may appear.

IT IS FURTHER AGREED That this agreement of extraterritorial reciprocity is a continuance of the agreement effective on January 1, 1965, and further that this amended agreement shall remain in full force and effect until superseded or modified by the parties to this agreement.

Signed this 1st day of February, 1966, at Salem, Oregon.

WORKMEN'S COMPENSATION BOARD
OF THE STATE OF OREGON

Wm. A. Callahan

Wm. A. Callahan

Marion E. Cady

Marion E. Cady, Commissioner

James Redman

James Redman, Commissioner

Signed this 4th day of February, 1966, at Olympia, Washington

DEPARTMENT OF LABOR AND INDUSTRIES
OF THE STATE OF WASHINGTON

A. L. Wilie

Commissioners not to transfer without statement.

The board of county commissioners shall not have the right to make any transfer from the amounts budgeted for reimbursing the state department without having first obtained a statement in writing from the state administrator of public welfare to the effect that the amount to be transferred will not be required during the fiscal year for the purposes for which the amounts were provided in the budget.

General relief expenditures primary expenditure for county building—when.

No part of the county poor fund, irrespective of the source of any part thereof, shall be used directly or indirectly for the erection or improvement of any county building so long as the fund is needed for general relief expenditures by the county or is needed for paying the county's proportionate share of public assistance or its proportionate share of any other welfare activity that may be carried on jointly by the state and the county; provided, however, that expenditures for improvement of any county buildings used directly for care of the poor may be made out of any moneys in the county poor fund, whether such moneys are produced by *seventeen (17)* mill levy provided for in paragraph one *(1)* of this section or from any additional levy authorized or to be authorized by law. Such expenditure shall be authorized only when any county building used for the care of the poor must be improved in order to meet legal standards required for such buildings by the state board of health, and, when such expenditure has been approved by the state public welfare department."

Repealing clause.

Section 3. All acts and parts of acts in conflict with the provisions of this act are repealed.

Approved: February 20, 1967.

CHAPTER 70

An Act Amending Section 92-614, R.C.M. 1947, Providing for Extraterritorial Application of the Workmen's Compensation Act; Providing for Reciprocity with Other States; and Providing for the Administration of Such Extraterritorial and Reciprocity Provisions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 92-614, R.C.M. 1947, is amended to read as follows:

Amending clause.

"92-614. **Who liable for injuries under the different plans of act and in what amounts,** *extraterritorial application and reciprocity.* Every employer who shall become bound by and subject to the provisions of compensation plan number one *(1)*, and every employer and insurer who shall become bound by and subject to the provisions of compensation plan number two *(2)*, and the industrial accident fund where the employer of the injured employee has become bound by and subject to the provisions of compensation plan No. 3, shall be liable for the payment of compensation in the manner and to the extent hereinafter provided to an employee who has elected to come under this act, and who shall receive an injury arising out of and in the course of his employment, or, in the case of his death from such injury, to his beneficiaries, if any; or, if none, to his major dependents, if any; or, if none, to his minor dependents, if any.

Liability for injuries under plans of act—amounts—extraterritorial applications and reciprocity.

If a workman employed in this state who is subject to the provisions of this act temporarily leaves the state incidental to that employment and receives an injury arising out of and in the course of such employment, the provisions of this act shall apply to such workman as though he were injured within this state.

If workman temporarily leaves state.

If a workman from another state and his employer from another state are temporarily engaged in work within this state, this act shall not apply to them

Workman from another state—when not covered.

(a) if the employer and employee are bound by the provisions of the Workmen's Compensation Law or similar law of such other state which applies to them while they are in the state of Montana, and

(b) if the Workmen's Compensation Act of this state is recognized and given effect as the exclusive remedy for workmen employed in this state who are injured while temporarily employed in such other state.

A certificate from an authorized officer of the workmen's compensation department or similar agency of another state certifying that an employer of such other state is bound by the Workmen's Compensation Act of the state and that its act will be applied to employees of the employer while in the state of Montana shall be prima facie evidence

of the application of the Workmen's Compensation Law of the certifying state.

Authority of board to enter into agreements.

The industrial accident board shall have authority, with the approval of the governor, to enter into agreements with workmen's compensation agencies of other states for the purpose of promulgating regulations not inconsistent with the provisions of this act to carry out the extraterritorial application of the Workmen's Compensation Laws of the agreeing states."

Approved: February 20, 1967.

CHAPTER 71

An Act to Amend Section 40-2821, R.C.M. 1947, by Extending the Period When the Tax on Net Insurance Premiums Shall Be Two and One-quarter Percent (2¼%) of the Premiums from the Calendar Years 1965 and 1966 to the Calendar Years 1967 and 1968.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 40-2821, R.C.M. 1947, is amended to read as follows:

Tax—reports of authorized insurers—filing.

"40-2821. **Tax.** (1) Each authorized insurer, and each formerly authorized insurer with respect to premiums so received while an authorized insurer in this state, shall file with the commissioner, on or before March 1 each year, a report (except as to wet marine and transportation insurance taxed under subsection (3) below) in form as prescribed by the commissioner showing total direct premium income including policy, membership and other fees, premiums paid by application of dividends, refunds, savings, savings coupons, and similar returns or credits to payment of premiums for new or additional or extended or renewed insurance, charges for payment of premium in installments, and all other consideration for insurance from all kinds and classes of insurance whether designated as a premium or otherwise, received by it during the preceding calendar year on account of policies covering property, subjects, or risks located, resident, or to be performed in Montana (with proper proportionate allocation of premium as to such property, subjects, or risks in Montana insured under policies or contracts cov-